

A G E N D A
CUMBERLAND TOWN COUNCIL MEETING
Town Hall, 290 Tuttle Road
Monday, OCTOBER 11, 2004

7:00 p.m. - CALL TO ORDER

I. APPROVAL OF MINUTES

a) September 27, 2004

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

04 – 132. To hear a presentation from Town Attorney Kenneth Cole and Tax Assessor William Healey regarding the tax cap initiative.

04 – 133. To receive a request to accept roads within the Jordan Farms subdivision.

04 – 134. To hold a public hearing to consider and act on the Rines Forest Committee guidelines.

04 – 135. To hold a public hearing to consider and act on a request for financial assistance by the Cumberland Historical Society.

04 – 136. To hold a public hearing to consider and act on appointments to the Private Road Winter Maintenance Committee.

V. NEW BUSINESS

VI. ADJOURN

MEMBERS OF THE TOWN COUNCIL

William Stiles, Chairman	829-6679	wcstiles@maine.rr.com	Donna Damon	846-5140	publicservant1@aol.com
Mark Kuntz	829-3617	chinook96@msn.com	Harland Storey	829-3939	cstorey@zwi.net
Michael Savasuk	781-3061	mxslaw@maine.rr.com	Jeffrey Porter	829-4129	mesit5@maine.rr.com
Stephen Moriarty	829-5095	smoriarty@nhdlaw.com	web:		www.cumberlandmaine.com

Nadeen Daniels

From: Debbie Flanigan
Sent: Friday, October 01, 2004 10:59 AM
To: Nadeen Daniels
Subject: RE: agenda

04-126 was referred to the Islands Committee for their review (Sun)
 04-128 was also referred to the Island Committee
 04-129 was tabled to allow the Manager to set a workshop date with the Trustees
 04-130 was tabled until after the Nov election

deb

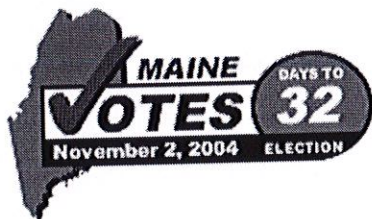
-----Original Message-----

From: Nadeen Daniels
Sent: Friday, October 01, 2004 10:48 AM
To: Debbie Flanigan
Subject: agenda

Deb, can you please tell me what items got tabled to the next meeting(s)?

Nadeen Daniels

Town Clerk
 Human Resources Director
 Town of Cumberland



FINAL

MINUTES
CUMBERLAND TOWN COUNCIL
Town Council chambers – 290 Tuttle Road
Monday, September 27, 2004

CALL TO ORDER – 7:05 PM

Attendance: Councilors Storey, Damon, Kuntz, and Moriarty
Excused: Councilor Savasuk
Late: Chairman Stiles

Vice-Chairman Storey called the meeting to order at 7:05 pm

I. APPROVAL OF MINUTES:

a) September 13, 2004

Motion by Councilor Porter to approve the minutes as presented.

Seconded by Councilor Moriarty.

Discussion: Councilor Moriarty asked to change the minutes as follows:

Page 3 Paragraph 2 Item 04-118: The second sentence reading " Councilor Moriarty explained that the system has to be designed and stamped "... The sentence should begin with "Chief Small explained that the system has to be designed and stamped"...

VOTE: 4 In Favor 1 Abstain: Kuntz

II. MANAGER'S REPORT

- a). Meeting with MSAD 51 to discussing upcoming Tax Cap vote and planning of informational meetings between North Yarmouth – MSAD 51- Cumberland. Chairman Stiles and Manager Shane met with MSAD on September 22, 2004 to discuss informational meeting with North Yarmouth to be televised sometime in October.
- b). Survey work on Route 100 to begin in October for improvements to intersection of Route 100 and Blackstrap Road.
- c). Manager Shane met with Public Works Director Adam Ogden and Public Works employees from Chebeague Island to discuss Stone Wharf Floats; floats will be kept in the water for as long as possible. Some of the older floats already taken out of water will be auctioned off.
- d). Sewer allocation units are only available for failed septic systems and built up areas. There are no sewer units available for new construction except on Route 1.
- e). Request from A.H. Grover to begin construction on Main Street during hours of 6:00 pm to 6:00 am. Construction will take approximately four days. Work will begin in three weeks.
- f). Portland Water District to sell lot on Main Street near Moss Side Cemetery. Manager

Shane requested that PWD table this item until PWD Trustees Eileen Wyatt and Bill Lunt could meet with abutters to this lot. Lot appraised at \$72,000.

- g). A citizen's group opposed to the November Palesky Tax Cap will be going out across the State this weekend to inform people of the effect if the tax cap passes.
- h). Sally Stockwell, Chairman of the Lands and Conservation Commission, has organized a meeting with a forester from the Maine Audubon Society on October 18, 2004 to talk about forest management practices.

III. PUBLIC DISCUSSION

The public portion of the meeting was opened at 7:17 pm.
There was no discussion.

IV. LEGISLATION & POLICY

04-126. To set a date to consider and act on a Public Grounds Ordinance.

Manager Shane explained that Councilor Damon brought this item forward. A draft of the proposed ordinance was available in the Council packets. A meeting date of October 25, 2004 was recommended.

Councilor Damon stated that she thought the ordinance seemed to be a town wide ordinance. It didn't specifically state whether it applied to certain lands.

Manager Shane stated that the ordinance was intended to be general without an exception by the Town Council, so the Council could say "except for"... All town facilities would be closed at sunset and opened at sunrise. The Council could form a subcommittee to tweak the ordinance and add some more specific language.

Councilor Damon suggested having a committee meeting on Chebeague to discuss how the proposed ordinance would affect property on Chebeague. She suggested that the Island Committee review the proposed amendment. The impetus for this item was the use of land at Chandler's Cove. Residents of Chebeague voiced concerns about the state of the property at Chandler's Cove; parts of the property should be reseeded to grow back, issue of underage drinking at night, mud races. The Police felt they had no jurisdiction because there are no rules.

Councilor Moriarty stated that the property could be posted by resolution of the Town Council and proposed that the ordinance should be review by the Island Committee.

Councilor Porter moved to set a date of October 25, 2004 to consider and act on a Public Grounds Ordinance.

Seconded by Councilor Kuntz.

Discussion: Mr. Shane stated that with the Island Committee assistance a Management Policy could be developed.

Councilor Kuntz rescinded his second on the motion on this item.

Councilor Damon moved that the Town Council request the Islands Committee assist in the development of a Management Plan for Chandler's Cove and Sunset Landing and to gather input and feedback on a potential ordinance to regulate the use of that property. The Town Council would like to have a report back by January 2005.

Discussion:

Councilor Moriarty stated that the ordinance, when it is finally presented and ready for action, should apply to all parts of the town.

Motion seconded by Councilor Moriarty. VOTE: UNANIMOUS (5)

04-127. To set a date to consider and act on an ordinance amendment to permit the daytime use of golf carts on Chebeague Island.

Manager Shane suggested that input should be received from the Islands Committee. The Police Chief has asked for an ordinance to allow daytime usage of golf carts on Chebeague Island. The law requires an ordinance to be in place to allow use of golf carts.

Councilor Kuntz moved to send this item to the Island Committee, and to have a report back in January 2005.

Seconded by Councilor Moriarty. VOTE: UNANIMOUS (5)

Chairman Stiles attended the meeting at 7:40 pm

04-128. To set a date to consider and act on the Rines Forest Committee guidelines.

Robert Waterhouse, Chairman of the Rines Forest Advisory Committee, presented a power point presentation of the progress of the Committee. Several photos of the property were presented. The Committee developed a Mission Statement and Stewardship Principles. Future Board policies to be developed for Council approval include:

- Forest Use Policy
- Forest Management Plan
- Protection of the property through a third party easement

Mr. Waterhouse stated that a site walk of the property is scheduled for October 17, 2004 At 9:00 am.

Councilor Porter moved to set a date of October 11, 2004 to consider and act on the Rines Forest Committee guidelines.

Seconded by Councilor Moriarty. VOTE: UNANIMOUS (6)

04-129. To hear a report and set a date to consider and act on an alcohol use policy for Val Halla Golf & Recreation Center.

Richard Doane, Vice Chairman of the Val Halla Board of Trustees, stated that with the changes that the Legislature brought about in August, that there is going to be a shift in most of the competing golf courses in the area which will allow some kind of on-course alcohol sales. The motivation in bringing this policy forward is more about creating an environment where Val Halla can compete more effectively for tournaments, which is a significant source of income in the summer. There will be a cart on the course that will offer alcohol and non-alcoholic beverages on the golf course.

Councilor Moriarty suggested a meeting with the Val Halla Board of Trustees in a workshop session before the second Council meeting in October.

Councilor Porter stated that the golf course has not done well financially. He sees no reason to put Val Halla in a situation where it cannot make a profit. Not allowing alcohol on the course ties the hands and making it that much less competitive.

Mr. Doane stated that the cash flow is mostly in for the season.

Councilor Porter suggested obtaining information from other area courses.

The Town Council decided to table this item and instruct the Town Manager and Council Chairman to set a workshop date to meet with the Val Halla Board of Trustees.

04-130. To consider and act on a request for financial assistance by the Cumberland Historical Society.

Manager Shane stated that the Cumberland Historical Society has some structural damage to the flooring and floor support system. An engineering study was done and the contracted price for the repairs is about \$5,000. The Historical Society is asking for any financial help that the Town could provide.

Councilor Damon stated that the Historical Society has missed a deadline to apply For the Rines Thompson Grant.

Councilor Kuntz inquired as to how severe the structural damage is?

Manager Shane stated that the structural damage needs to be addressed.

Councilor Storey suggested tabling this item until after the November 2, 2004 Election.

Councilor Damon reminded the Council that the Town gave Chebeague Island a Building which was in much worse condition and they were required to raise funds in order that the building could be in usable condition. The Town could possibly

loan the Historical Society some funds or match whatever funds could be raised.

Councilor Porter moved to approve a donation of \$2,500 for financial assistance to the Cumberland Historical Society.

Seconded by Councilor Damon with an amendment that there is a caveat that it is a matching grant if the Historical Society can raise \$2,500.

VOTE: IN FAVOR: 1 (Porter) OPPOSED : 5

Discussion:

Chairman Stiles stated that he felt that this item should be tabled until after the November 2, 2004 Election.

Councilor Damon moved to table this item until after the November 2, 2004 Election and until Councilor Moriarty has time to meet with the Cumberland Historical Society to obtain answers to questions by the Town Council.

Seconded by Chairman Stiles. VOTE: IN FAVOR: 5 OPPOSED: 1 (Porter)

V. NEW BUSINESS:

Chairman Stiles: NONE

Councilor Damon:

- E-mail from Town Manager concerning Boston Post Cane. Bertha Gray of Chebeague Island is 98 and living in her own home.
- Urge the Town Council to write Governor Baldacci and request a Constitutional amendment that would address the definition of fair market value as it relates to the method used for determining property values in Maine.

Councilor Kuntz: NONE

Councilor Moriarty:

- More names for the Winter Road Maintenance Committee.
- Letter from Town Attorney Kenneth Cole on use of fire ponds as fire protection method in subdivisions.

Councilor Porter:

- Astronomy center located at Twin Brooks passed onto Twin Brooks Advisory Comm.
- Comments from resident John Lambert regarding on Fowler side of Twin Brook. A Road is being created to pass from the Tuttle Road to Greely Road; it should be for Emergency vehicle use only. The Council should consider installing a gate.

Acting Chairman Storey:

- Charge for parking at Twin Brook.
- Inquiry on update on Mill Road.

Manager Shane:

- Pike Industries has been delayed for two weeks on finishing Mill Road.
- Council support installing gate on Fowler property temporarily?

Councilor Moriarty moved to authorize the Town Manager to install a temporary gate

On the Fowler side of Twin Brook property at the end of the parking lot but prior to the Bridge.

Seconded by Councilor Kuntz.

Discussion:

Councilor Stiles suggested installing a Knox Box Key for the Fire & Rescue vehicles.

VOTE: UNANIMOUS (6)

Manager Shane cont'd:

- Main Street construction from 6:00 pm to 6:00 am.

Councilor Damon inquired if the nighttime for construction hours could be from 6:30 pm to 6:30 am.

Councilor Moriarty stated that he was opposed to the nighttime construction and questioned why the construction had not been done during the summer as previously scheduled. .

Manager Shane stated that the contractor could not get to the Maine Street part of the project sooner, as he had been concentrating on the site work for the Middle School project.

Councilor Porter asked for the reason why the contractor requested to work during night Time hours? What if the request is not granted?

Manager Shane stated that the contractor would have to work during daytime hours. If the Project is not completed by November 1, 2004 the contractor would be fined by MDOT.

Councilor Porter moved to adjourn to Executive Session at 8:40 pm.

Councilor Kuntz seconded. VOTE: UNANIMOUS (6)

Councilor Moriarty moved to come out of Executive Session at 9:10 pm.

Seconded by Councilor Kuntz. VOTE: UNANIMOUS (6)

Councilor Kuntz moved to adjourn from the workshop at 10:05 pm.

Seconded by Councilor Damon. VOTE: UNANIMOUS (6)

Respectfully Submitted,

Deborah Flanigan
Deputy Town Clerks

 *** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*10/06 21:42			6551	AUTO RX	ECM	1 OK 00'22
*10/06 21:50	93174666		2029	TRANSMIT	ECM	11 OK 06'07
*10/06 23:08			6552	AUTO RX	G3	0 NG 00'45
					0	#005
*10/07 04:47	918775736177		2030	TRANSMIT	ECM	1 OK 01'08
10/07 04:51	918775736177		2031	TRANSMIT	ECM	1 OK 00'51
10/07 15:45			6553	AUTO RX	ECM	1 OK 01'00
10/07 19:27	918003680965		2032	TRANSMIT	ECM	5 OK 01'34
10/07 20:58			6554	AUTO RX	ECM	1 OK 00'28
10/07 21:33	98462403		2033	TRANSMIT	ECM	3 OK 02'33
10/07 22:13			6555	AUTO RX	ECM	1 OK 00'19
10/08 21:30	97757935		2034	TRANSMIT	ECM	3 OK 00'30
10/08 21:56	98295916		2035	TRANSMIT	ECM	1 OK 00'23
10/08 22:33			6556	AUTO RX	ECM	3 OK 01'26
10/08 23:05	207 775 7935		6557	AUTO RX	ECM	2 OK 00'30
10/08 23:22	2078463608		6558	AUTO RX	ECM	1 OK 00'40
10/08 23:31	97813283		2036	TRANSMIT	ECM	1 OK 00'17
10/08 23:32	97812060		2037	TRANSMIT	ECM	1 OK 00'27
10/08 23:33	98466828		2038	TRANSMIT	ECM	1 OK 00'27
10/08 23:34	97916920	PRESS HERALD NEW	2039	TRANSMIT	ECM	2 OK 00'24
10/08 23:35	97757935		2040	TRANSMIT	ECM	2 OK 00'22

Manager Item- New Business

This company would like to sell Banners to Businesses in Town. The Banners are attractive, but I don't see this being well received by many businesses in Town- \$450 per year for their logo on the bottom 33% of the sign.

In exchange, we receive a free Streamer Video with municipal updates, programs, etc which can be linked to our website.

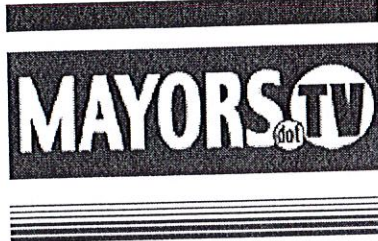
It's not a bad idea, but it's a huge distraction with everything we have on the front burner right now.

I'll pursue this if you wish to go forward. You must have Road Runner or a high speed internet connection to view this video or it will take forever to download.

Part of the CGI Network

CGI Communications e-LocalLink Community Banner **Mayors.TV** ChamberofCommerce.TV

October

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Mayors.TV

Participating Communities Municipalities

Mayors.TV, powered by e-LocalLink, has become the premier provider of streaming web video to towns small and large across the nation.

We provide an end-to-end video solution for municipalities, from writing movie scripts to filming, editing and streaming the video using our patent-pending One-Click™ video technology. And we do it all at an unbeatable price... **free!**

Use this drop down menu below to view a sample of just a few of the many municipalities we are working with across the country:



Please take a moment to read [this letter](#) we received from the City of Yonkers forget to check out some of the video testimonials from community leaders we worked with in our [testimonials](#) section.

For more examples or information, please [contact us](#).

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- 1) Go to the web and then
- 2) Type in this address and hit enter
- 3) Click on Loves Park under Illinois and watch video
- 4) After Video go back to Participating Communities page and click on "Community Banner" at the top of the page for examples of the banners

Part of the CGI Network

CGI Communications

e-LocalLink

Community Banner

Mayors.TV

ChamberofCommerce.TV

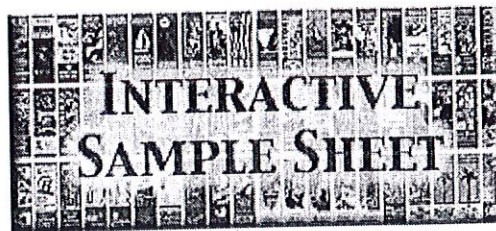
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Community Banner Services

Banner Examples

With so many banner designs that we have done over the years, it's hard to pick favorites.

You can scroll through a few examples using the scroll bars to the right; or launch a large viewer window of one of our sample sheets using the button below. (*Broadband recommended.*)

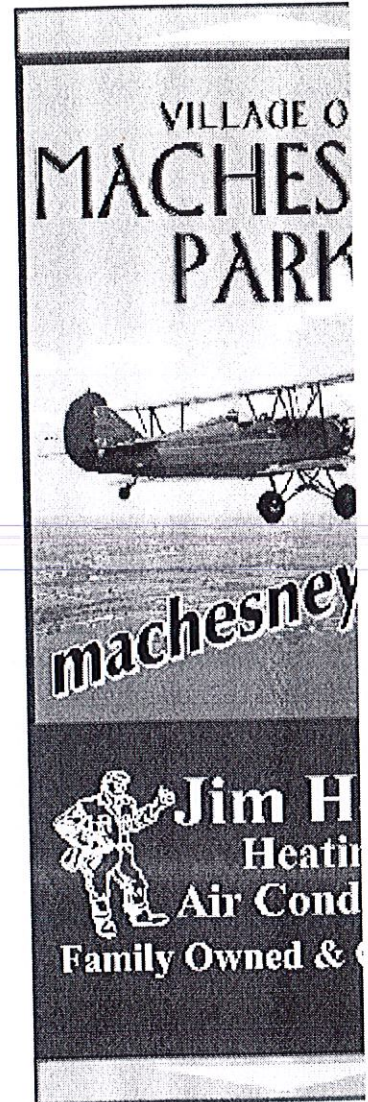


The sample sheet is also available for [download](#) as a PDF, which you can view onscreen or print out. (*Broadband recommended.*)

If you would like to see specific examples or design ideas not shown here, please don't hesitate to [contact us](#).

September 1

Click the button to see more examples



Click the button to see more

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CGI Communications, Inc.
145 Metro Park
Rochester, NY 14623
1-800-398-3029 x223
Phone: 585-427-0020
Fax: 585-427-0075



Community Movie with Banners Agreement

Name: William Shane
Title: Town Manager
Address: 290 Tuttle Road
City, State, Zip: Cumberland, ME 04021
Phone: 207-829-5559
Fax: 207-829-2224
Email: wshane@cumberlandmaine.com
Website: www.cumberlandmaine.com

This agreement is between CGI Communications, Inc. and the Town of Cumberland, ME and shall remain in effect for a period of three years.

e-LocalLink, a division of CGI Communications, Inc. shall provide the following:

- Website Welcome video from your mayor or other civic leader (approx. 1 minute)
- 3 Community Highlight videos (approx 1 minute each)
- Come to your location to film your videos
- Consult with you to write your scripts
- Professional voice-overs, script writing and background music. Video and editing; all aspects of post-production from raw footage to final video
- Store and stream all videos on our dedicated server and will link finished videos to your municipality's website homepage
- Encode final video into multiple streaming digital formats to play on all computer systems, browsers and internet connection speeds, including both Windows Media™ and QuickTime™. To include patent pending "one click" technology
- Final draft of all content of the Community Highlight Videos for your approval
- Marketing, production, printing, and distribution are the sole responsibility of e-LocalLink. The Town of Cumberland will assume no cost or liability for the project
- e-LocalLink will own copyrights of the master Community Highlight Videos
- Ongoing, monthly updates to your streaming video library from video provided to us by your organization (5 minute maximum per month)

Community Banner Services, a division of CGI Communications, Inc. shall provide the following:

- Full color custom graphic vinyl banners
- A minimum of 25 free banners; business sponsors included on lower portion
- Bracket system comprised of cast aluminum brackets, fiberglass rods, and all necessary hardware
- Design and size customized to meet your Community's specifications (standard size 30" x 60")
- 3 year program; renewable by parties prior to completion of third year
- New banner design for each 12 month period; reference to your Community's website optional
- New business sponsors for each 12 month period; lower portion, to be consistent with banners' color scheme
- Business sponsorship allowed on lower 25% of banner
- Community Banner Services, a division of CGI Communications, Inc. is solely responsible for obtaining business sponsorships
- Sponsorship fees from \$445.00 per banner per 12 month period
- Free replacement of torn, worn, and/or damaged banners
- Installation and maintenance of all banners
- Removal of all Banners and bracket systems upon expiration of agreement

The Town of Cumberland, ME shall provide the following:

- A letter of introduction for the program on your organization's letterhead
- Assist with the content and script for the Community Movie
- Agrees to give e-LocalLink the right to use organization's name in connection with the preparation and production of the program set forth herein only
- Agrees to put a link on the municipality's website homepage to e-LocalLink's video server
- Provides e-LocalLink with exclusive streaming video rights for the term of this agreement
- Identification and obtainment of the preferred pole sites to ensure proper banner placement
- Monitor and report torn, worn, and/or damaged banners each 12 month period

We, the undersigned, understand the above information and have full authority to sign this agreement.

Signature: _____
Name Printed: William Shane
Title: Town Manager
Date: _____

Signature: [Signature]
Name Printed: Frank Buono
Title: Executive Vice President
Date: 9/29/2004

September 29, 2004

Dear Town of Cumberland Business Owner:

As you know, the Town of Cumberland is dedicated to making our community a great place to live, work, shop and conduct business. We have agreed to participate in a 3 year promotional campaign conducted by CGI Communications, Inc., which we believe will help highlight the advantages of living in and doing business in the Town of Cumberland.

The two-fold program consists of an interactive motion picture showcasing Cumberland's efforts and the community's assets on our already existing web site. The second stage of the program provides for street banners, designed exclusively for our community, indicating our towns website address (www.cumberlandmaine.com), and also showing Cumberland's economic vitality, and the support of our business community.

A representative of CGI Communications, Inc. will be contacting you to discuss the street banner program. We encourage you to consider supporting this program, which we feel is truly a win-win for all involved.

Sincerely,

William Shane
Town Manager

MOTIONS

- 04 – 132.** No action necessary
- 04 – 133.** I move to receive the request for acceptance of roads within the Jordan Farms Subdivision and set a public hearing date of ... to take action regarding the request.
- 04 – 134.** I move to adopt the guidelines as proposed by the Rines Forest Committee.
- 04 – 135.** I move to authorize the Town Manager to expend \$_____ funds for repairs to the Cumberland Historical Society building, located on Blanchard Road, Cumberland, Maine.
-
- 04 – 136.** Set a date for the Nominating Committee OR
Move to appoint to the Private Road Winter Maintenance Committee.

Nadeen Daniels

From: Stephen W. Moriarty [smoriarty@nhdlaw.com]
Sent: Wednesday, September 29, 2004 4:40 PM
To: Nadeen Daniels
Subject: RE: Next meeting

Could you put this on the next agenda in boldface? Thanks.

From: Nadeen Daniels [mailto:ndaniels@cumberlandmaine.com]
Sent: Wednesday, September 29, 2004 4:39 PM
To: William Stiles; Donna Damon; Stephen W. Moriarty; Harland Storey; Jeffrey Porter; Mark Kuntz; Michael Savasuk
Cc: William Shane
Subject: Next meeting

Hi everyone,

Bill would like to ask that you arrive about 15 minutes early for your next council meeting, October 11th. He would like to have council group photos taken for last and this year.

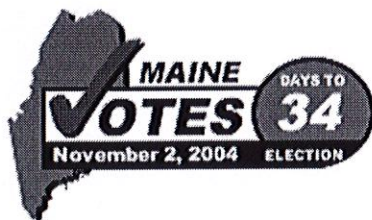
Thanks

Nadeen Daniels

Town Clerk

Human Resources Director

Town of Cumberland



*****PRIVILEGE AND CONFIDENTIALITY*****

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10/4/2004

Manager Notes

04 – 132. No action necessary

Ken Cole & Bill Healey will be present to answer questions related to the Tax Cap. Please come prepared to ask Questions:

- 1) How is the SAD different than Yarmouth or Falmouth School Systems?
- 2) When do you think this can be implemented?
- 3) What's the difference between a User fee & an Assessment

04 – 133. I move to receive the request for acceptance of roads within the Jordan Farms Subdivision and set a public hearing date of October 25th or November 8, 2004... to take action regarding the request.

You may wish to discuss tabling this until after November 2, 2004

04 – 134. I move to adopt the guidelines as proposed by the Rines Forest Committee.

You may wish to instruct the committee to begin working on a third party easement and to return to the Town Council within 6 months with a draft for consideration, refinement and approval.

04 – 135. I move to authorize the Town Manager to expend \$_____ funds for repairs to the Cumberland Historical Society building, located on Blanchard Road, Cumberland, Maine.

Money could be used from the existing years operating budget if so directed or from Undesignated Fund Balance.

**04 – 136. Set a date for the Nominating Committee OR
Move to appoint to the Private Road Winter Maintenance Committee.**

Nadeen Daniels

From: William Shane
Sent: Wednesday, September 22, 2004 2:03 PM
To: Steve Moriarty (smoriarty@nhdlaw.com); B Stiles (wstiles1@maine.rr.com); Bill Stiles (wcstiles@maine.rr.com); Donna Damon (publicservant1@aol.com); Harland Storey (cstorey@gwi.net); Jeff Porter - Home; Jeffrey.Porter@mail.doc.gov; Mark Kuntz (chinook96@msn.com); Mike Savasuk (mxslaw@maine.rr.com); William Shane; Alyssa Daniels; Nadeen Daniels
Cc: kcole@jbgh.com; Bill Healey
Subject: Ken Cole & Bill Healey- October 11th Council Meeting

Dear Councilors:

Bill Stiles has asked me to schedule Ken Cole and Bill Healey to be present at our next Council meeting. Ken is unavailable for our Sept 28th meeting but has been scheduled for our October 11th. I would suggest we begin the meeting at 7 :00 PM with Ken & Bill H.

Ken will give a brief overview of the bill and discuss and answer all questions the Council may have. Bill Stiles has asked this meeting to be televised to better inform the public of the Tax Caps consequences.

Bill Healey will be present to answer property related questions as they relate to the Tax Cap. Bill H. has no formal presentation planned.

We would also be looking to televise and informational meeting involving the MSAD, North Yarmouth and Cumberland the Week of October 25th.

Thank you,

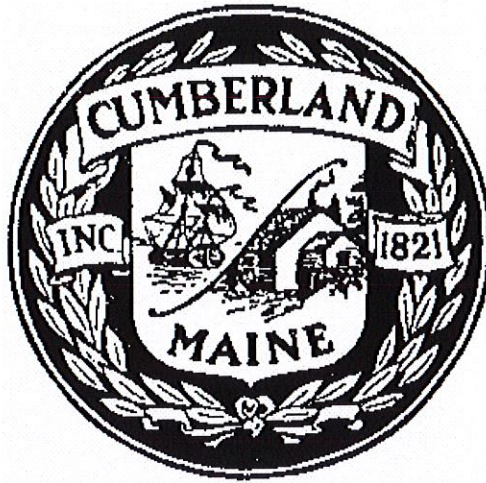
Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

9/28/2004



Town of Cumberland Tax Cap Impacts

October 2004

Cumberland Town Council

William Stiles, Chairman	829-6679	wcstiles@maine.rr.com
Harland Storey, Vice Chair	829-3939	cstorey@zwi.net
Donna Damon	846-5140	publicservant1@aol.com
Mark Kuntz	829-3617	chinook96@msn.com
Michael Savasuk	781-3061	mxslaw@maine.rr.com
Jeffrey Porter	829-4129	mesit5@maine.rr.com
Stephen Moriarty	829-5095	smoriarty@nhdlaw.com

**Town of Cumberland
Tax Cap
Informational Questions and Answers**

What is the Palesky Tax Cap Proposal?

It is a statewide referendum question on the November 2 ballot that, if approved by voters, will:

1. Proposes to roll back property assessments to 1996 levels
2. Limit property taxes to 1 percent or \$10 per \$1,000 of the assessed value.
3. Limit property assessment increases to 2 percent per year

What does this mean for Cumberland?

If the Palesky proposal passes:

- Town services will sustain major cuts
- New and increased user fees will be implemented for Town services
- Property taxes will be reduced

How is the Town & School structure different in Cumberland (MSAD 51), than in Falmouth, Freeport or Yarmouth?

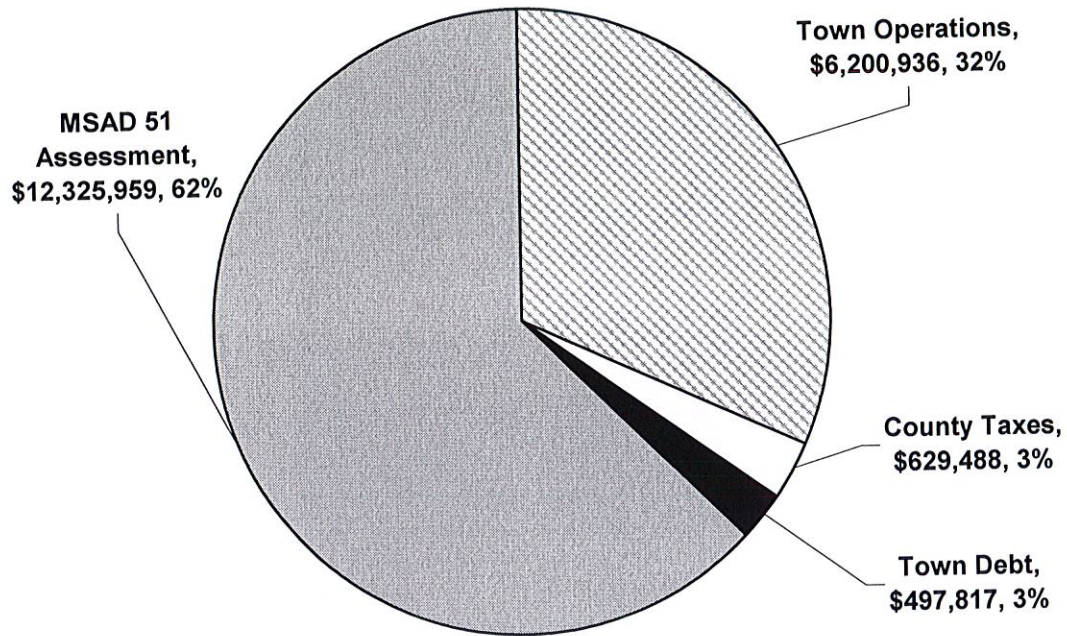
In those towns, the town council can accept or reject the school budget. However, Cumberland Town Council in our community has no involvement with the School's annual budget process; it can neither accept nor reject the school's budget. Once the budget has been approved by the registered voters of MSAD 51, an assessment is calculated and the bill is forwarded to both Cumberland and North Yarmouth.

What changes in municipal services might we see?

There is no way to know exactly what will change until actual cuts are determined, but it is anticipated that many services will be severely reduced:

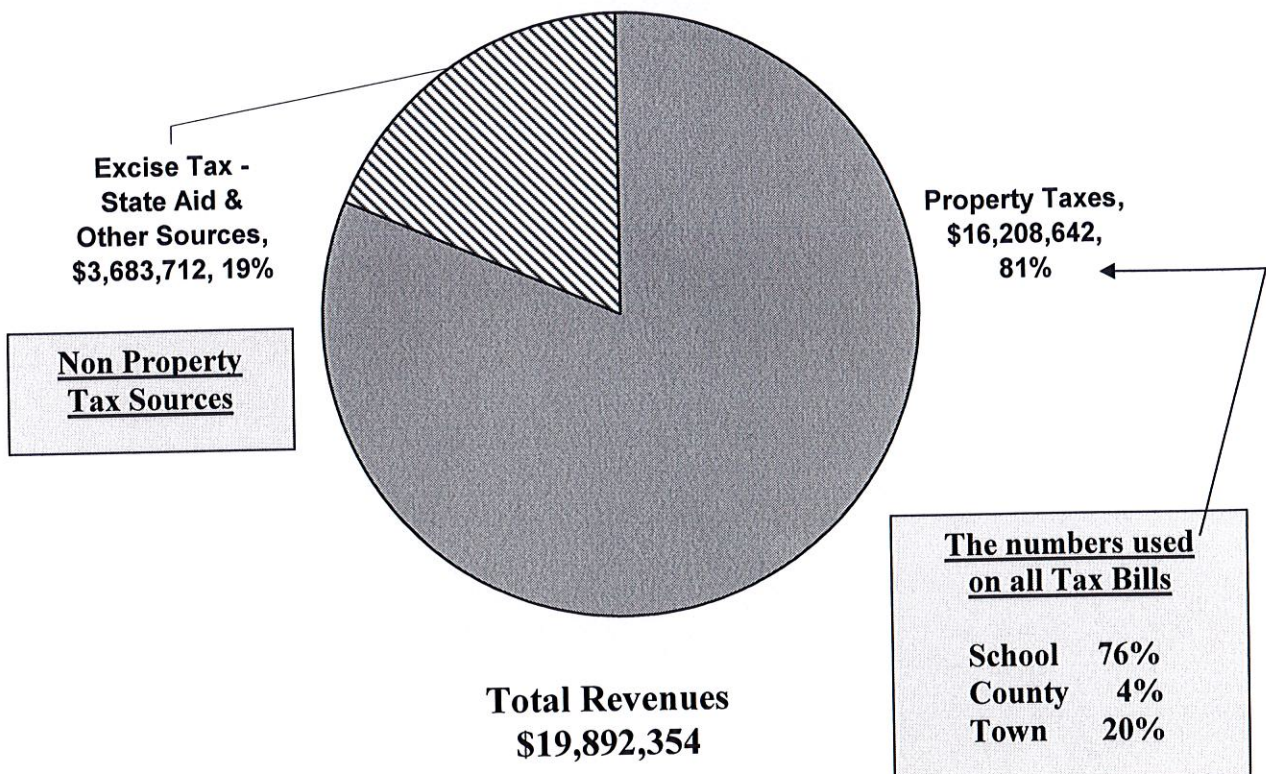
- Reduction in the number of Town employees
- Significant reduction in police coverage
- Reduction in road maintenance, paving and major road repairs
- Reduction in winter maintenance(snow plowing and sanding) efforts
- Reduction in fire department services
- Elimination of the Regional Paramedic Program
- Reduction in Town Hall hours
- Reduction in Library hours

What is the Town of Cumberland's Total Budget?



Total Operating Budget
\$19,892,354

Where does the money come from for the Town Budget ?



How much revenue is currently raised in Cumberland through property taxes?

During the Fiscal Year (FY) 2004/2005, Cumberland will raise \$16,208,642 in property taxes to fund the Town's operating budget and Cumberland's portion of MSAD 51's operating budget.

The Town's total budget for FY 04/05 is \$19,892,354. The Town's operating budget is \$7,328,241. From the total operating budget, the sum of \$3,683,712 is received in the form of state revenue sharing, excise taxes, registration fees, and other non-property tax sources. The remaining \$3,644,529 of the Town's operating budget is funded through Cumberland property taxes.

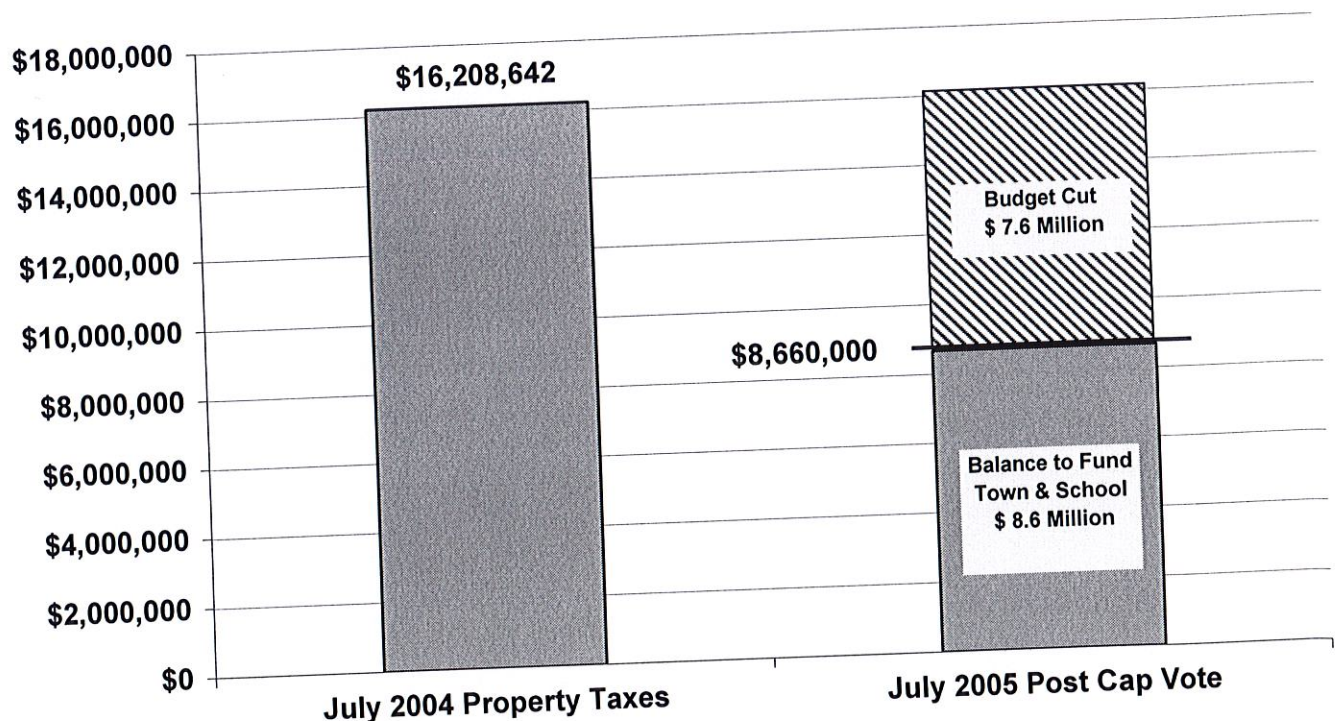
MSAD 51's operating budget for FY 04/05 is \$22,470,000. Of this total, the sum of \$10,125,288 is received in the form of state aid for education, North Yarmouth's annual contribution and other smaller educational revenue sources. The remaining \$12,343,712 is funded through Cumberland property taxes.

In summary, the current FY, Cumberland will raise \$12,343,712 through property taxes to pay its portion of the MSAD 51 budget, and in addition will raise \$3,644,529 from property taxes to fund the Town's operating budget for a combined total of \$16,208,642.

How much money would have to be cut from the town budget?

If the referendum passes, the Town of Cumberland may need to cut \$7.6 million from its budget. This does not account for any additional State funding for towns, since the Legislature has not taken any action or steps to mitigate the impact of the upcoming vote. However, if assessed values are rolled back to 1996-97 levels, the proposal's fiscal impact is actually an \$8.7 million loss.

After extensive review of the data and the Maine Supreme Court advisory opinion that the provision in the bill to roll back taxes to the 1996 level would violate the Maine Constitution, the Maine Municipal Association has determined the \$7.6 million figure to be realistic.



What kind of user fees might we see in Cumberland?

- Trash bag costs for curbside disposal \$2.75 per 33 gallon bag- The average household of 4 may use 2 bags/week = $\$5.50 \times 52 = \286 /year
- Twin Brook : \$5 per visit (or a Season Pass fee)
- Building permits: 50% increase (presently the lowest in the area)
- Increased plumbing and electrical permit fees
- Increased subdivision and site plan review fees
- Recreation program fees increases
- Rescue fee increases
- Library user fees
- New user fees for fire department services

Will any of the user fees be deductible from my income tax?

No. Your property tax is a deductible item, but fees are not.

Can Cumberland vote this proposal down or override it in some way?

No. It is a statewide referendum. Even if the referendum is defeated in Cumberland, it will apply to Cumberland if it receives statewide approval. There is no local override provision in the proposal, unlike tax caps in some other states.

Where can I get more information?

A complete copy of the Palesky proposal, additional articles, and information in support and against the Tax Cap can be found at the following websites:

<http://www.memun.org/resources/Public/news/pp/question.htm>

<http://citizensunitedformaine.com/>

<http://news.mainetoday.com/indepth/taxreform/>

<http://www.taxcapyes.org/>

What property tax savings might a home in Cumberland receive?

If the referendum passes, the tax savings for each home will vary. Examples of savings:

If your property is Assessed at:	Present Tax	Palesky Tax	Savings
	\$19.20	\$10.00	\$9.20
\$50,000	\$960	\$500	\$460
\$100,000	\$1,920	\$1,000	\$920
\$150,000	\$2,880	\$1,500	\$1,380
\$200,000	\$3,840	\$2,000	\$1,840
\$250,000	\$4,800	\$2,500	\$2,300
\$300,000	\$5,760	\$3,000	\$2,760
\$350,000	\$6,720	\$3,500	\$3,220
\$400,000	\$7,680	\$4,000	\$3,680
\$450,000	\$8,640	\$4,500	\$4,140
\$500,000	\$9,600	\$5,000	\$4,600
\$550,000	\$10,560	\$5,500	\$5,060
\$600,000	\$11,520	\$6,000	\$5,520
\$650,000	\$12,480	\$6,500	\$5,980

If your property is Assessed at:	Present Tax	Palesky Tax	Savings
	\$19.20	\$10.00	\$9.20
\$700,000	\$13,440	\$7,000	\$6,440
\$750,000	\$14,400	\$7,500	\$6,900
\$800,000	\$15,360	\$8,000	\$7,360
\$850,000	\$16,320	\$8,500	\$7,820
\$900,000	\$17,280	\$9,000	\$8,280
\$1,500,000	\$28,800	\$15,000	\$13,800
\$2,000,000	\$38,400	\$20,000	\$18,400
\$2,500,000	\$48,000	\$25,000	\$23,000
\$3,000,000	\$57,600	\$30,000	\$27,600
\$3,500,000	\$67,200	\$35,000	\$32,200
\$4,000,000	\$76,800	\$40,000	\$36,800
\$4,500,000	\$86,400	\$45,000	\$41,400

Savings may not be realized if all properties were assessed at 100% of Equalized Value.

Currently, the Cumberland Assessor estimates that properties are assessed at an average of 76% of Equalized Value.

The average cost of a home in **Cumberland** is **\$250,000**. That average home's property taxes of \$4,800 are allocated as follows:

Municipal Services

Police:	\$ 117
Recreation:	\$ 12
Fire:	\$ 78
Parks:	\$ 17
Rescue:	\$ 53
Public Works:	\$ 132
Trash & Recycling:	\$ 266
Library	\$ 62
Remaining Services	\$ 78
	\$ 815

Summary

\$ 815	Town Services
\$ 145	Town Debt
\$ 193	County Tax
<u>\$ 3,648</u>	<u>Schools</u>
\$ 4,800	Total Tax Bill 250K Home

If this home's property taxes were reduced to \$2,500 as shown in the table above, severe reductions would result across the board.

Closing Comments

Thank you for taking the time to read this document. This vote will have a continued effect on communities throughout our state regardless of the outcome on November 2, 2004. The Town Council encourages your comments and concerns. Please write, e-mail or participate in the televised meeting on **October 15, 2004 at 7:00 PM** at the Cumberland Town Hall.

Jensen Baird Gardner & Henry

KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
ALAN R. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER
DEBORAH M. MANN

LESLIE E. LOWRY II
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA O. CORRADINI
J. COLBY WALLACE

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WALTER E. WEBBER
JAMES E. KAPLAN
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2008)

YORK COUNTY OFFICE

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 965-4676
TELECOPIER (207) 965-4932

October 18, 2004

Nadeen Daniels, Town Clerk
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Nadeen:

I have your e-mail of Friday afternoon, October 15th, in regard to Donna Damon's question of the hypothetical impact of the Palesky Tax Cap on two condominiums, one purchased in 2004 and the other in 1995. Apparently she has called MMA and they have told her they would be valued differently. If Donna checks with Bill Healey, he would tell you that as long as they are identical condominiums, they, in fact, would be valued the same. Since they are hypothetically located in the same project and of the same type, and unless they are different in age and therefore entitled to a discount for obsolescence, they would technically be of like value. The attempt of the Palesky tax cap was to allow the value of the 1995 purchase to be maintained and therefore keep the taxes for that individual owner considerably less than the 2004 purchaser's taxes. However, the Supreme Court clearly stated in its advisory opinion that they must be treated equitably for purposes of valuation. Based on that and, again, the facts of the hypothetical, they therefore would have to be treated as having the same assessed value for purposes of the individual owner's tax bill, although they might differ in value for purposes of arriving at the Town's entire assessed value for purposes of the 10% cap.

If there is anything further that you need from me, please let me know.

Very truly yours,


Kenneth M. Cole III

KMC/ab

cc: William Shane, Town Manager
Bill Healey

Nadeen Daniels

From: Geoff Herman [gherman@memun.org]
Sent: Wednesday, October 20, 2004 9:39 AM
To: Nadeen Daniels
Cc: Mike Starn
Subject: the condo question

Nadeen...Mike gave me your message on Monday because I spoke to the fellow last week. I gave you a call on Monday but I didn't hear back so I thought the question had been answered. The fellow explained to me his situation with the 2003 condo purchase and he asked if his property would be assessed the same under Palesky as the neighboring, identical condo which had not been sold since 1996. Before answering, I explained the obvious unconstitutionality of the valuation roll-back and freeze language in Palesky, and he said he understood that, but specifically wanted to know the answer if the entire measure was implemented as written. I told him that as written, the answer was obvious: i.e., his condo would be assessed at the 2003 purchase price and the next door condo, in the same ownership since 1996, would be assessed at its 1996 value. It was his belief that Ken Cole gave a different answer even under the as written analysis. I told him that we differed with Ken with respect to a number of Palesky interpretations, but this analysis seemed perfectly straightforward. The Palesky initiative creates a "welcome stranger" assessing method whereby identical property is assessed at different values depending on the length of ownership. Although "welcome stranger" assessing clearly violates Maine's constitution, it is nonetheless very clearly the assessing methodology the initiative attempts to institute in Maine.

Bottom line, the fellow seemed to be very cognizant of the differences between the "as written" versus the "likely" Palesky analysis, and specifically wanted to confirm his understanding of the "as written" approach.

I hope this helps.

Thanks for your return phone call. As I stated in my voice message, I had a gentleman call who purchased a condominium last year. He said he contacted MMA and asked them what his taxes would like compared to others who owned a condo in his complex. In other words, they're for all intents and purposes the same condos, except he purchased his in 2003 and his neighbor purchased his in 1995. Would he pay the same taxes as his neighbor, and would he be assessed the same as his neighbor under the Palesky proposal? He says he got a different answer than what Ken Cole has said to the town. Can you help me with this?

Thanks very much,

Nadeen Daniels

From: Carla Nixon
Sent: Wednesday, September 15, 2004 10:25 AM
To: William Shane; Nadeen Daniels
Cc: Phil Gleason
Subject: Jordan Farms Road Acceptance

Hi Bill and Nadeen. Phil Gleason just called. They will not be ready for the Sept. 27th Council meeting for the road acceptance. They hope to be ready for either the first or second meeting in October. They will keep us posted.
Carla

9/20/2004

Nadeen Daniels

From: Adam Ogden
Sent: Monday, October 04, 2004 4:09 PM
To: William Shane
Cc: Bill Healey; Carla Nixon; Dan Small; Joe Charron; Nadeen Daniels; Pam Bosarge; Shelley Doyle
Subject: RE: Jordan Farms Road Acceptance

I haven't seen any documentation. There are issues with what has been built and final inspection, record drawings, defects in products, etc. No final paving yet. No final inspection. No certification re title, survey.

Normally there is a title opinion and the lawyers provide documents for review etc.

Do you mean is the Owner all set? I haven't seen anything from PWD re the water lines, hydrants (one hydrant is not square to the road). CMP re the power. NET re the phone. There are issues with side slopes, culvert failure, guard rails, and miscellaneous issues that the owner needs to complete. Has the Planning Director/Code Enforcement Officer looked at site plan and subdivision compliance and other conditions of approval? MDEP and ACOE conditions? any other conditions?

I don't think they are ready to offer the road. It would have to be conditional which is not allowed.

Adam

-----Original Message-----

From: William Shane
Sent: Monday, October 04, 2004 8:04 AM
To: Carla Nixon; Adam Ogden
Subject: Jordan Farms Road Acceptance

Carla & Adam,

Are we all set for Jordan Farms for 10/11 Council Meeting?

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

10/4/2004

Rines Forest Mission Statement

The Cumberland Town Council holds that the Rines Forest property is a unique tract of land that shall remain forever in its undeveloped forested state. To this end, it is the collective responsibility of the community to protect the Forest's natural beauty, wildlife and varied ecosystems. Citizens and friends are encouraged to passively recreate within the property's boundaries while conserving its natural environment.

Rines Forest Stewardship Principles

1. The Town Council endorses the maintenance of the Forest to assure its present undeveloped forested state and will provide the human and fiscal resources necessary to do so.
2. A Forest Management Plan will be adopted and updated.
3. Within the scope of the management plan, areas determined to be environmentally sensitive and vulnerable shall receive specific attention.
4. A citizen based Advisory Committee shall report to the Town Council and provide an Annual Report which outlines the progress made toward maintaining the Rines Forest Stewardship Principles.
5. A network of trails including a new access from Range Road shall be maintained and improved.
6. Future acquisition for connectivity is encouraged and future planning shall be coordinated with the Town Lands and Conservation Commission.
7. Citizens are encouraged to passively recreate within the boundaries of the forest.
8. Educational use of the property for individuals or organizations shall be encouraged.
9. A list of acceptable uses of the Forest will be created and incorporated into a "Use Policy".
10. An informational brochure outlining the property's environmental attributes, a map of trails and other related issues of interest will be published and maintained.

Future Board Policies to be Developed

- Forrest Use Policy
- Forest Management Plan
- Protection of the property through a third party easement

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Rines Forest Stewardship Principles

1. **The Town Council endorses the maintenance of the Forest to assure its present undeveloped forested state and ^{may} will provide the human and fiscal resources necessary to do so.**

Discussion Points From Sept. 27, 2004 Meeting

- a. The Committee will actively pursue volunteers to assist with trail maintenance and the bulk of the work in the Forest.
- b. A 25 or 50 year easement is not unreasonable, but the Committee believes the property will become a more valuable resource as other surrounding properties are developed.

Rines Forest Stewardship Principles Cont.

- 2. A Forest Management Plan will be adopted and updated.**
- 3. Within the scope of the management plan, areas determined to be environmentally sensitive and vulnerable shall receive specific attention.**

Rines Forest Stewardship Principles Cont.

- 4. A citizen based Advisory Committee shall report to the Town Council and provide an Annual Report which outlines the progress made toward maintaining the Rines Forest Stewardship Principles.**
- 5. A network of trails including a new access from Range Road shall be maintained and improved.**
- 6. Future acquisition for connectivity is encouraged and future planning shall be coordinated with the Town Lands and Conservation Commission.**

Rines Forest Stewardship Principles Cont.

- 7. Citizens are encouraged to passively recreate within the boundaries of the forest.**
- 8. Educational use of the property for individuals or organizations shall be encouraged.**
- 9. A list of acceptable uses of the Forest will be created and incorporated into a "Use Policy".**
- 10. An informational brochure outlining the property's environmental attributes, a map of trails and other related issues of interest will be published and maintained.**

Future Board Policies to be Developed
for Council approval

- **Forest Use Policy**
- **Forest Management Plan**
- **Protection of the property through a third party easement**

Historical Society Request for Funding

September 27, 2004

Cumberland Historical Society
Cumberland Center, Maine 04021



September, 2004

To: William Shane, Town Manager
and the members of the Cumberland Town Council
From: Carolyn Small, President, Cumberland Historical Society
Re: Assistance

Dear Mr. Shane and members of the Cumberland Town Council,

The Cumberland Historical Society requests some financial help from the Town of Cumberland because of three challenges that have demanded our attention this past year. This first and most drastic is the floor of the 1853 schoolhouse building that the Society occupies. The underpinning has rotted and the floor is in danger of collapsing. Mr. Shane has received a copy of the engineering report that was sent in August. We have contacted Clayton Copp of Copp Movers, and he can repair the damage for about \$5,000.00.

Our second issue is the installation of a security system to protect the valuable Cumberland history that we have custody of in the building. The contract from Protection One is \$1650.00, and a \$30.00 per month fee after installation. What a shame it would be to have something dreadful occur to the 183 years of the story of this town, merely because the building wasn't secure.

Our final concern is the sign in front of the building. It is of wooden construction and has sorely felt the passage of time. It has rotted. I am awaiting a quote from Graphics on Middle Road. We would like to be able to replace the sign before it becomes a hazard. That is the very least of the three matters.

Realizing that this is probably not the best time to ask for some financial help, I nonetheless, do so, in hopes that you can locate some funds to help your Historical Society. Any amount would be greatly appreciated.

Thank you for your consideration on this matter.

Yours very sincerely,

Carolyn F. Small, President, Cumberland Historical Society

Carolyn F. Small



Protection One®



**Factory
Mutual
System**

685 Congress Street
Portland, Maine 04102
(207) 772-1171 (800) 310-5011
Fax # (207) 772-7355

PROPOSAL SUBMITTED TO:

Cumberland Historical Society

STREET

Blanchard Road

CITY, STATE & ZIP CODE

Cumberland, Maine 04021

ATTENTION

Carolyn Small

CONSULTANT

Robin Russell

PHONE

(207) 829-4423

JOB NAME

JOB LOCATION

DATE

9/3/2004

We hereby submit specification and estimates form

INSTALLATION OF INTRUSION DETECTION SYSTEM

- One (1) 300 P1 Hardwire Pack, including 3 Door Contacts, Fixed English Keypad, Motion Detector & Siren
- One (1) DS835 Dual Technology PIR Motion Detector Pet Immune to 100lbs
- One (1) 6150 Fixed Keypad
- One (1) AlarmNet "C" Cellular Communicator w/battery 150mA
- One (1) Installation of 20' of Solid Conduit from Panel to Attic and from Attic to Keypad
- Two (2) Recessed 3/4" Steel Door magnetic contact with 5' lead (White)

TOTAL OUTRIGHT INVESTMENT FOR INSTALLATION OF SECURITY SYSTEM:

\$1,650

Plus Applicable Sales Tax

TOTAL INVESTMENT FOR LIFETIME MAINTENANCE PROGRAM:

\$4.00

per month

PROTECTION ONE FULL-SERVICE AGREEMENT INSTALLATION INVESTMENT: \$985

MONTHLY PAYMENT (Including Maintenance & Monitoring) \$30.00

ANNUAL MONITORING: \$240.00 \$20.00 /per month

- A) UL/FM Approved Central Station Signal Receiving and Notification Service
- B) Automatic Test Reporting
- C) Alarm and Trouble Reporting by zone

*Lifetime Maintenance Program is valid as long as you are a Protection One subscriber

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of
One Thousand Six Hundred Fifty Dollars and No Cents Dollars \$ 1,650.00

Payment to be made as follows:

50% due at acceptance, 50% due at completion

The customer acknowledges that he or she is aware that additional and more secure protection is available at an additional price

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standards and practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.
Date of acceptance:

Authorized
Signature

NOTE: This proposal may be withdrawn if not accepted in 30 days.

Signature

Signature

(016457)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, THAT TOWN OF CUMBERLAND, a municipal corporation organized and existing under the laws of the State of Maine, in consideration of one dollar and other valuable consideration paid by CUMBERLAND HISTORICAL SOCIETY, a Maine non-profit corporation, whose mailing address is: BLANCHARD ROAD, CUMBERLAND, ME 04021 the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said CUMBERLAND HISTORICAL SOCIETY, its successors and assigns forever,

A certain lot or parcel of land with building thereon situated on the southwesterly side of Blanchard Road in the Town of Cumberland, County of Cumberland and State of Maine being bounded and described as follows:

Beginning at a reinforcing rod on the apparent southwesterly sideline of Blanchard Road, said rod being on a course of S 27° 23' E and a distance of 20.23 feet from an iron at the most northerly corner of a parcel of land owned by W. Rand Surgi and recorded in Cumberland County Registry of Deeds in Book 4245, Page 113;

Thence S 27° 23' E, along the apparent southwesterly sideline of Blanchard Road, a distance of 82.06 feet to a reinforcing rod;

Thence S 60° 23' W through land of the Grantor a distance of 153.80 feet to a reinforcing rod;

Thence N 29° 37' W, continuing through land of the Grantor, a distance of 82.00 feet to a reinforcing rod and land of Surgi;

Thence N 60° 23' E, along land of Surgi, a distance of 157.00 feet to a reinforcing rod on the apparent southwesterly sideline of Blanchard Road and the point of beginning, containing 12,742 sq. ft.

Reserving from the above described parcel a 25-foot wide right of way to the Grantor being bounded and described as follows:

Beginning at a reinforcing rod on the apparent southwesterly sideline of Blanchard Road at the most northerly corner of the above described parcel;

Thence S 27° 23' E along the apparent southwesterly sideline of Blanchard Road, a distance of 25.02 feet to a point;

Thence S 60° 23' W a distance of 156.02 feet to a point;

Thence N 29° 37' W a distance of 25 feet to a reinforcing rod and land of Surgi;

Thence N 60° 23' E, along land of Surgi, a distance of 157.00 feet to a reinforcing rod on the apparent southwesterly sideline of Blanchard Road and the point of beginning.

Excepting and reserving herefrom a certain septic sewer pipe easement, Central Maine Power Company easement of record and driveway right of way granted by deed of even date to Cumberland Hall Associates, and additionally conveying an easement for repair and maintenance of said sewer pipe and leach field as located on said Cumberland Hall Associates parcel.

These premises shall revert to the Grantor herein if said Grantee is ever suspended as a valid and existing Maine non-profit corporation. The Grantor further reserves to itself the right to repurchase the within premises for One Dollar (\$1.00) should Grantee ever determine to sell the same.

The above described parcels being a portion of the premises as conveyed from Beza Blanchard to School District No. 3 (now Town of Cumberland) by deed dated June 1, 1853 and recorded in said Registry in Book 251, Page 126, and a portion of the premises conveyed to the Grantor by Theodore J. Brown by deed dated March 5, 1927 and recorded in said Registry in Book 1261, Page 129.

The above described courses are magnetic of the year 1988.

TO HAVE AND TO HOLD, the aforegranted and bargained premises with all the privileges and appurtenances thereof to

OK8248PG0056

the said CUMBERLAND HISTORICAL SOCIETY, its successors and assigns, to it and its use and behoof forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it is lawfully seized in fee of the premises, that they are free of all encumbrances, that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors shall and will warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said TOWN OF CUMBERLAND as Grantor has hereunto set its hand and seal this 14th day of the month of April, 1988.

SIGNED, SEALED and DELIVERED
in presence of:

William H. Dale

TOWN OF CUMBERLAND
R.B. BENSON

By: R.B. Benson

Its
Town Manager

STATE OF MAINE
CUMBERLAND, SS

April 14, 1988

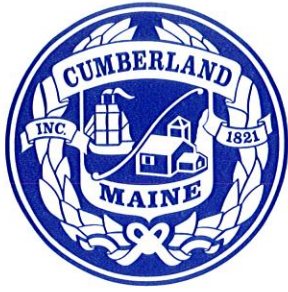
Then personally appeared the above named ROBERT B. BENSON TOWN MANAGER of the Town of Cumberland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the said Town of Cumberland.

Before me

William H. Dale

Notary Public

WILLIAM H. DALE



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

October 8, 2004

TO: TOWN COUNCIL MEMBERS

FROM: NADEEN DANIELS, TOWN CLERK *ND*

RE: APPOINTMENTS RE: WINTER ROAD MAINTENANCE

To date, we have received interest from the following individuals:

Susan Bisbing, Spruce Lane
Ted Chadbourne, 50 Stockholm Drive
Thomas Hinman, 327 Range Road
Bill MacFarlane, 51 Wild Way
Greg Poitras, 5 Gayles Way
Bob Simonds, 269 Bruce Hill Road
Bob Vail, 16 Wild Way
Bill Ward, 128 Longwoods Road
Norene Ward, 128 Longwoods Road

Jensen Baird
Gardner & Henry

KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
ALAN R. ATKINS
RONALD A. EPSTEIN
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DEBORAH M. MANN

LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
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NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA G. CORRADINI
J. COLBY WALLACE

ATTORNEYS AT LAW
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September 16, 2004

receive

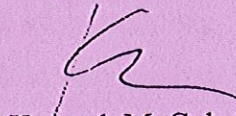
William R. Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Bill:

This letter is intended to respond to your request in regard to whether there was any way the current Council could bind future Councils in regard to the development of the Rines parcel. Specifically, as you correctly surmised, one Council's action cannot directly bind another and the only way to impose a restriction that a subsequent Council could not release is to grant a conservation easement to a third party. That third party would still be able to be persuaded to release such a restriction at a late date but a subsequent Council could not unilaterally release it. Since Cumberland has the Cumberland Island and Mainland Trust, it is possible that such a conservation easement could be given to that local entity or it certainly could be given to a third party. The relevant statute in this regard is at 33 M.R.S.A. § 476 et seq. which recognizes the creation and enforceability of this type of easement. If the Council did not wish to go quite that far, its only other option would be to record a set of restrictions in regard to the use of the Rines property in the Registry of Deeds. Subsequent Councils could change those but it would require a formal amendment and therefore a public hearing process rather than simply unilateral action.

Please let me know if you wish me to follow up further in this regard.

Very truly yours,



Kenneth M. Cole III

KMC/ab

Jensen Baird Gardner & Henry

KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
ALAN R. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER
DEBORAH M. MANN

LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAOGETT
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VIA FAX
October 8, 2004

William R. Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: **Greely Road Parcel**

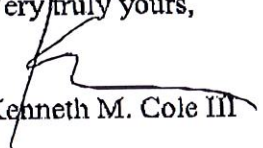
Dear Bill:

I have reviewed the letter dated October 5, 2004 from Marilyn D. Hodgman in regard to the parcel the Town proposes to donate on Greely Road extension to Habitat for Humanity. Ms. Hodgman indicates her belief that the property was lost in the 1950's by her grandfather, either just prior or after his death. As you know we did title research on these parcels and were able to conclude that Tax Map R60, Lot 40, the larger piece was actually conveyed to the Town by Charles E. West on March 7, 1938 in Book 1539, Page 245. The smaller parcel adjoining it, which is Map R8, Lot 9, was in fact acquired by the Town for nonpayment of taxes. However, this occurred in 1935 by a tax deed recorded in Book 1569, Page 179 against a Mary Stevens Morse. The Town continued from 1935 until 1948 to assess the property to Ms. Morse and there are tax deeds of record for each year. Apparently in 1948 the Town finally decided that given the continued nonpayment it would simply accept that the title was now vested in the Town and it has not been assessed to any other party since then. I am unaware as to whether Ms. Hodgman's grandfather was a relative of Mary S. Morse. However, he is not the individual who lost this property for nonpayment of taxes.

As to the overall issue even if Ms. Morse's grandfather had lost the property, the general statute specifically provides that no one may challenge a municipal tax taking unless that challenge is raised within 15 years of the ripening of the tax lien. See 35 M.R.S.A. § 946-A. Since this property was first tax acquired in 1935, the statute of limitations has long expired. I hope this answers any questions the Council may have in regard to this property.

If you have any questions, please let know.

Very truly yours,


Kenneth M. Cole III

KMC/rmc

~ Over 50 Years of Service ~

Dear Sir,

I learned recently that the Town intended to donate parcels of land on Gruly Road Extension to Habitat.

My Grandfather had some land on Gruly Road Extension that was acquired by the town for non payment of taxes.

He passed away in 1953 & sometime after that my father had at least two meetings with the then, town manager. at the first Meeting he said that he couldn't find a record of the property. In a subsequent meeting he had located the property but wouldn't let him pay the back taxes as the town wanted the land for public use as a park or playground, etc.

The article in the paper complained of the loss of tax revenue for years

but that was

I have been advised to
contact the town to find out how
you can give a clear title under
the circumstances. please reply
by mail.

Sincerely,
Marilyn E. Hodgman
21 Skillings Road
Cumb. Ctr., MA 04021

Twin Brook Advisory Committee

Agenda for Thursday, October 4th 2004

1. **Set fee for Athletic Field Use**
 - a. Refer to 3 ring binder for base fee structure
 - b. Should the fields be “rented” to less than 50 % resident participants, i.e. premiere soccer/lacrosse?
 - c. Should “teams” be limited to the number of hours of use, if so what is the magic number.
 - d. What is the purpose of the fee, to defray cost of maintenance or limit use ?
 - e. Major/minor event (tourney’s) fee structure ? Set standard or base to operate from. Review on individual basis.
2. **Prioritize items for agendas for monthly meetings.**
 - a. List issues, concerns, that need committee discussion and action, prioritize in order for future meetings.
3. **Forestry Management meeting. 7:00 PM on October 18, 2004 – Cumberland Town Hall**
 - a. Develop time frame plan for Twin Brook.
4. **Next Meeting Date**

Hi Deb,

Bill asks that the board/committee agenda and minutes be placed in a separate envelope in the council packets from now on. Here are some envelopes to stick in their books. I've given you the agendas/minutes ^(so far) here to copy for this packet.

Thanks!

A handwritten signature in dark ink, appearing to read "Nadeen", written in a cursive style.

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road
Cumberland, Maine 04021
Tuesday – October 19, 2004 – 7:00 p.m.**

- A. Call to Order**
- B. Roll Call**
- C. Approval of Minutes of September 21, 2004**
- D. Consent Calendar / De minimus Change Approvals:**
- E. Hearings and Presentations**

- 1) Public Hearing – Minor Site Plan Review for a Day Care “Above and Beyond” at 10 Corey Road, Tax Assessor Map U07, Lot 3, Highway Commercial (HC) zone, Michele Brown, applicant; Andy Fillmore, InterUrban Planning & Design, representative; William & Norene Ward Trustees, owners.**
- 2) Public Hearing - Application Completeness and Preliminary Plan Review– Major Subdivision – Rockwood Senior Housing, Phase IV - 44 units of senior housing, Tax Assessor Map R02D, Lot 1B, lots 9 & 10 and Map R02D, Lot 1C of the Cumberland Business Park; LSH Holdings, c/o Pioneer Capital Corp, owners, LSH Holdings, c/o John Moody, applicant; Jim Fisher, P.E., Northeast Civil Solutions, representative.**
- 3) Public Hearing – Final Plan Review– Major 14-lot subdivision, Old Colony Estates, 10 Blackstrap Road, Tax Assessor Map R07, Lot 71 and 70B, 51.9 acres, RR2m district, representative, Larry Bastion, P. E., Sebago Technics, Normand Berube Builders, Inc., owner.**
- 4) Sketch Plan Review: Minor Site Plan - Lucinda’s Day Spa; Cumberland Business Park, Tax Assessor Map R02D, portion of Lot 1, Scott Decker, SYTDesign, representative, Guidi Flash Holdings, LLC, owner**

- F. Administrative Matters**
- G. Adjournment**

**TOWN OF CUMBERLAND
BOARD OF ADJUSTMENT AND APPEALS**

Municipal Center Council Chambers

290 Tuttle Road

Cumberland Maine 04021

(207) 829-2207

Thursday, October 21, 2004

Public Hearing

7:00 PM

1. John F. Chase requests a special exception for an accessory apartment at 40 Westbranch Drive, Tax Assessor Map R07E, Lot 10 in the Rural Residential 2 (RR2) district.
2. Robert Craig requests a reduction of back lot standards as contained in Section 403.1 and the private road construction standards contained in Section 421.4 at 89 Sanderson Road, Tax Assessor Map U02, Lot 10 in the Low Density Residential district, Walt Stinson, P.E., Sebago Technics, representative.
3. Lucinda Malbon request a special exception for the construction of a day spa in the Cumberland Business Park, Tax Assessor Map R02D, Lot 1, subdivision lot # 1 of the Cumberland Business Park Subdivision Plan, Office Commercial district; Charlotte Maloney, Gawron Turgeon Architects, representative.

ANYONE WISHING TO BE HEARD ON ANY MATTER CONCERNING THE
ABOVE REQUEST SHOULD BE PRESENT

R. Scott Wyman, Chair



TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

Val Halla Board of Directors

6:00 PM – 8:00PM

Wednesday, October 6, 2004

East Conference Room - Town Hall

Meeting Agenda

- I. Welcome of New Business Manager Ned Gribbin & Approval of September Minutes**
- II. New Business**
 - a. Adoption of Membership Rates for 2005 season**
 - b. Grill Hours for the Winter Months**
 - c. Operations Manual for Viking Grill & Pro Shop**
 - d. Course Work- Hole #5, #7, Back Nine Cart Paths**
- III. Old Business**
 - a. Charter Revisions to the Town Council- Rick Doane**
 - b. Tree Planting Update – Rick Doane**
 - c. Mailing of New Rates to Membership with Booklet**
- IV. Greens Committee Report**
- V. Course Superintendent's Report - Attached**
- VI. Viking Grill Manager's Report**
- VII. Golf Pro's Report - Attached**
- VIII. Other Business**
- IX. Adjournment**

Board of Directors

KC Hughes	'04	Ted Bonville	'05	Norene Ward	'06
Randy Harriman	'04	Rick Doane	'05	Peter Reed	'06
Mark Stauber	'04	Linda Tobey	'05		
		Wm. Putnam	'05		

TUES. 12th

October 8, 2004

TO: TOWN COUNCIL MEMBERS
FROM: NADEEN DANIELS, TOWN CLERK
RE: APPOINTMENTS RE: WINTER ~~ROAD~~ MAINTENANCE

To date, we have received interest from the following individuals:

Susan Bisbing, Spruce Lane ✓ 781-3387 lum
Ted Chadbourne, 50 Stockholm Drive 829-6384 ✓
329? Thomas Hinman, 53 Range Road 829-4373 lum
Bill McFarlane, 51 Wild Way - 829-9295 lum
Greg Poitras, 5 Gayles Way 829-4040 + hkd to wife
Bob Simonds, 269 Bruce Hill Road - 829-2066 ✓
Bob Vail, 16 Wild Way - 829-5393 - insg w/ lady
Bill Ward, 128 Longwoods Road
Norene Ward, 128 Longwoods Road } 829-2851 - lum

6:00 Greg Poitras
6:10 Bill MacFarlane
6:20 Bill Ward
6:30 Susan Bisbing

6:40 ~~Susan Bisbing~~
Thos Hinman (nc)

6:50 - Bob Simonds
7:00 - ~~Bill Ward~~ B Vail (nc)
7:10 - Ted Chadbourne

Tom Hinman
Bob Vail